

PLACED IN MINUTES

JM ROUTE TO MINUTE CLERK✓ BHP BILLITON
PETROLEUM (N.A.), L.P., ET AL.,

Plaintiffs,

✓ VERSUS

HOSIER PROPERTIES, L.L.C., ET AL.,

Defendants.

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NUMBER 587,839-A ✓

FIRST JUDICIAL DISTRICT DISTRICT

CADD O PARISH, LOUISIANA

ASSIGNMENT: _____

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A**MOTION TO SEVER AND SET FOR
SCHEDULING CONFERENCE AND TRIAL**

NOW INTO COURT, through undersigned counsel, come the State of Louisiana, by and through the Louisiana State Mineral and Energy Board (the "State of Louisiana") and Rosa M. Byers ("Byers") (jointly, "Movants"), both Defendants and claimants to the proceeds of production deposited by BHP Billiton Petroleum (N.A.), L.P., et al. ("BHP"), into the Registry of the Court in the captioned concursus proceeding from Tracts 9A, 9B and 9C and with respect represent that:

1.

Movants Rosa M. Byers and the State of Louisiana, along with Defendants the Martin Group and Arkoma, are claimants with respect to the proceeds of production from Tract 9A, all as will more fully appear from the allegations of Paragraph 16 of the "Petition In Concursus" filed by BHP. All of the claimants with respect to Tract 9A have answered the "Petition In Concursus," as is more fully shown by the judicial record.

2.

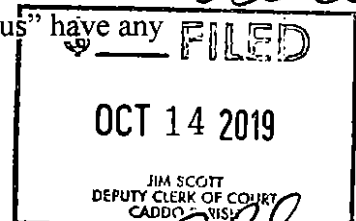
Movants Rosa M. Byers and the State of Louisiana are the only claimants alleged in the Petition for Concursus to have any interest in the production on Tracts 9B and 9C. Movant Rosa M. Byers and the State of Louisiana have agreed to settle their respective claims with respect to Tracts 9B and 9C.

3.

None of the other defendants named and listed in the "Petition In Concursus" have any

Motion to sever 8 5 19

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interest in the production from Tract 9A under the allegations contained in BHP's "Petition In Concursus." Movant Rosa M. Byers has filed an exception of improper cumulation of actions which the Court should sustain.

4.

Mover Rosa M. Byers has requested BHP, through its counsel of record, to inform her of the amounts it has deposited into the Registry of the Court allocable to Tracts 9A, 9B and 9C, as will more fully appear by reference to a letter dated August 5, 2019, a copy of which is attached hereto and filed herewith as Exhibit "A," but BHP has failed or refused to do so. BHP should be ordered to provide Movers and the Court an accounting with respect to the funds deposited by it into the Registry of the Court for production from Tracts 9A, 9B and 9C.

5.

The dispute with respect to the proceeds of production from Tract 9A should be severed and tried separately by the Court. A separate trial of the issues related to Tract 9A is in the interest of justice and would permit a more orderly disposition of the issues related to Tract 9A.

WHEREFORE, Movants Rosa M. Byers and the State of Louisiana pray that a rule to show cause be issued herein ordering Defendants to show cause why the exception of improper cumulation of actions filed by Mover Rosa M. Byers should be sustained, if any they can, and, accordingly, why Movers' motion to sever should not be granted and that the dispute with respect to the ownership of production from Tract 9A be set for trial separately.

Movers further pray for all orders and decrees necessary or proper in the premises and for full, general and equitable relief.

Respectfully submitted,

THE PESNELL LAW FIRM
(A Professional Law Corporation)

By: Billy R. Pesnell
Billy R. Pesnell
Louisiana State Bar Roll No. 10533
J. Whitney Pesnell

Louisiana State Bar Roll No. 15035

H.C. Beck Building, Suite 1100
400 Travis Street (Zip: 71101)
Post Office Box 1794
Shreveport, Louisiana 71166-1794
Telephone: (318) 226-5577
Telecopy: (318) 226-5578
Email: bill@pesnelllawfirm.com

-- Attorneys for Defendant Rosa M. Byers.

STATE OF LOUISIANA, by and through the
Louisiana State Mineral and Energy Board

By: *Ryan M. Seidemann* *By BRP*
Ryan M. Seidemann
Louisiana State Bar Roll No. 28991

JEFF LANDRY, ATTORNEY GENERAL
Post Office Box 94005
Baton Rouge, Louisiana 70804-9005
Telephone: (225) 326-6085
Telecopy: (225) 326-6099

-- Attorneys for Defendant State of Louisiana,
through the Office of Mineral Resources.

PLEASE SERVE:

✓ BHP BILLITON PETROLEUM PROPERTIES (N.A), L.P., and
BHP BILLITON PETROLEUM (TxLa Operating) COMPANY,
through their counsel of record,
Jamie D. Rhymes
April Rolen-Ogden
Brittan J. Bush
LISKOW & LEWIS
822 Harding Street (Zip: 70503)
Post Office Box 52008
Lafayette, Louisiana 70505-2008

✓ ARKOMA GROUP,
through its counsel of record,
Frank H. Spruiell, Jr.
Weiner, Weiss & Madison
(A Professional Corporation)
333 Texas Street, Suit 2350
Shreveport, Louisiana 71101
(318) 226-9100
(318) 4424-5128 (fax)

✓ JIMMY RAY MARTIN, JR., AMIE M. MARTIN, SHIRLEY H. MARTIN, TLC INVESTMENTS, L.L.C., MARY LUCILLE MARTIN BARNES, ROBERT L. BROWN, CHERYL ANN CROSSLIN THIBODEAU AND DEBORAH LYNN CROSSLIN BAILEY, through their counsel of record,
Mr. Kevin W. Hammond
Kevin W. Hammond
(A Professional Law Corporation)
333 Texas Street, Suite 1401
Shreveport, Louisiana 71101

09 01 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047 1048 104

CERTIFICATE

I HEREBY CERTIFY That a true and correct copy of the above and foregoing “Motion
To Sever And Set For Scheduling Conference And Trial” has this day been served by placing a
copy of same in the United States mail, postage prepaid and properly addressed to all opposing
counsel of record and unrepresented parties.

Shreveport, Louisiana, this 14 day of October, 2019.



Of Counsel

BHP BILLITON
PETROLEUM (N.A.), L.P., ET AL.,

Plaintiffs,

VERSUS

HOSIER PROPERTIES, L.L.C., ET AL.,

Defendants.

§ NUMBER 587,839-A

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§ FIRST JUDICIAL DISTRICT DISTRICT

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§ CADDO PARISH, LOUISIANA

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§ ASSIGNMENT:

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ORDER

CONSIDERING the foregoing Motion to Sever and Set for Scheduling Conference and Trial,

IT IS ORDERED That Defendants Chesapeake Louisiana, L.P., AND FCX Oil & Gas, Inc., Arkoma Group, ILIOS Exploration, L.L.C., Spring Branch Land & Minerals, L.L.C., Eswick, Inc., Robert E. O'Brien, Jr., Reob, L.L.C., Lee Corcoran Degges, Ellen Degges, Franto, L.L.C., Bobby D. Matthews, Gena L. Matthews, David G. Benscoter, Wendy Benscoter, Miles Minerals, L.L.C., Pamela Jeter Comegys and Riptide Minerals, L.L.C., Pamela Jeter Comegys, Ninock Land Company, L.L.C., Cynthia Fry Peironnet Family, L.L.C., Small Fry, L.L.C., and Eleanor Baughnies De St. Marceaux, Hosier Properties, L.L.C., Jimmy Ray Martin, Jr., Amie M. Martin, Shirley H. Martin, TLC Investments, L.L.C., Mary Lucille Martin Barnes, Robert L. Brown, Cheryl Ann Crosslin Thibodeau and Deborah Lynn Crosslin Bailey show cause, if any they can, on the 13th day of Jan, 2020, at 9:30 o'clock A.M., why The Byers' and the State's Motion to Sever and Set for Scheduling Conference and Trial should not be granted.

IT IS FURTHER ORDERED That Plaintiff BHP Billiton (N.A.), L.P., be ordered to show cause why it should not be ordered to file an accounting with the Court showing the amounts it has deposited into the Registry of the Court for Tracts 9A, 9B and 9C described in the Petition for Concursus.

Rule to Show Cause

BHP BILLITON PETROLEUM PROPERTIES NA LP NO. 587839 – A
ETAL

v.s.
HOSIER PROPERTIES LLC ETAL

STATE OF LOUISIANA
PARISH OF CADDO
FIRST JUDICIAL DISTRICT COURT

TO: JIMMY RAY MARTIN
ET AL THRU KEVIN HAMMOND, COUNSEL
333 TEXAS ST STE 1401
SHREVEPORT, LA
71101

GREETINGS:

YOU ARE HEREBY ORDERED, DIRECTED, AND COMMANDED, in the name of the State of Louisiana and of this Honorable Court, to show cause before this Court on **JANUARY 13, 2020, at 9:30AM**, why you should not comply with all that is contained in the certified copy of the order which accompanies this RULE AND HEREIN FAIL NOT.

WITNESS the Honorable Judges of our Court on this date October 22, 2019.

OTHER: MOTION TO SEVER AND SET FOR
SCHEDULING CONFERENCE AND
TRIAL

MIKE SPENCE, CLERK OF COURT

By: _____
Deputy Clerk

BILLY PESNELL
Attorney

FILE COPY

Rule to Show Cause

BHP BILLITON PETROLEUM PROPERTIES NA LP NO. 587839 – A
ETAL

v.s.
HOSIER PROPERTIES LLC ETAL

STATE OF LOUISIANA
PARISH OF CADDO
FIRST JUDICIAL DISTRICT COURT

TO: BHP BILLITON PETROLEUM PROPERTIES NA LP ET AL
THRU JAMIE D RHYMES, COUNSEL
822 HARDING ST PO BOX 52008
LAFAYETTE, LA

GREETINGS:

YOU ARE HEREBY ORDERED, DIRECTED, AND COMMANDED, in the name of the State of Louisiana and of this Honorable Court, to show cause before this Court on **JANUARY 13, 2020, at 9:30AM**, why you should not comply with all that is contained in the certified copy of the order which accompanies this RULE AND HEREIN FAIL NOT.

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OTHER: MOTION TO SEVER AND SET FOR
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TRIAL

MIKE SPENCE, CLERK OF COURT

By: _____
Deputy Clerk

BILLY PESNELL
Attorney

FILE COPY

Rule to Show Cause

BHP BILLITON PETROLEUM PROPERTIES NA LP NO. 587839 – A
ETAL

v.s.
HOSIER PROPERTIES LLC ETAL

STATE OF LOUISIANA
PARISH OF CADDO
FIRST JUDICIAL DISTRICT COURT

TO: ARKOMA GROUP
THRU FRANK SPRUIEEL JR, COUNSEL
333 TEXAS ST STE 2350
SHREVEPORT, LA
71101

GREETINGS:

YOU ARE HEREBY ORDERED, DIRECTED, AND COMMANDED, in the name of the State of Louisiana and of this Honorable Court, to show cause before this Court on **JANUARY 13, 2020**, at **9:30AM**, why you should not comply with all that is contained in the certified copy of the order which accompanies this RULE AND HEREIN FAIL NOT.

WITNESS the Honorable Judges of our Court on this date October 22, 2019.

OTHER: MOTION TO SEVER AND SET FOR
SCHEDULING CONFERENCE AND
TRIAL

MIKE SPENCE, CLERK OF COURT

By: _____
Deputy Clerk

BILLY PESNELL
Attorney

FILE COPY